



FISCAL MEMORANDUM

HB 2728 - SB 2836

March 4, 2022

SUMMARY OF BILL AS AMENDED (014785): Adds a contracted court reporter to the definition of state employee, when the contracted court reporter is named in a civil action for damages alleging an act or omission by the contracted court reporter in the course of performing the contracted court reporter's official duties.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 8-42-103(a), when a civil action for damages is commenced in any court by any person against any state employee for any acts or omissions of the state employee within the scope of the employee's employment, except for willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain, the attorney general and reporter has the discretion to provide representation to the employee. Such representation may be provided by:
 - The Attorney General and Reporter's (AG) assistants;
 - Attorneys appointed by the AG; or
 - Payment of reasonable compensation of counsel approved by the AG. Attorney's compensation, court costs, and other necessary incidental expenses in connection with the action shall be paid from the funds appropriated to the AG.
- Pursuant to Tenn. Code Ann. § 8-42-107, there shall be appropriated to the AG a sum sufficient from the Risk Management Fund to pay for the representation provided to state employees, court costs and any necessary incidental expenses incurred in providing the representation.
- Based on information provided by the AG, any additional duties as a result of passage of the proposed legislation can be absorbed within existing resources; therefore, any fiscal impact to the AG or the Risk Management Fund is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first name "Krista" and last name "Carsner" being more prominent than the middle name "Lee".

Krista Lee Carsner, Executive Director

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